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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/524,547 | 10/26/2005 | Harvey Kaplan | 1658-8/AMK | 1415 |
| 7590 | 02/05/2008 | | EXAMINER | |
| Adrian M Kaplan Dimock Stratton 20 Queen Street West Suite 3202 PO Box 102 Toronto Ontario M5H 3R3, CANADA | | | AUDET, MAURY A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1654 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 02/05/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10524547 | 10/26/05 | KAPLAN ET AL. | 1658-8/AMK |

EXAMINER

MAURY AUDET

ART UNIT

PAPER

1654

20080204

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Commissioner for Patents

Of the 6 NPL references cited in the IDS of May 12, 2005, which was not considered as to any of these, Applicant have only now submitted that of the Tarelli et al. reference. The IDS still has not been considered in full, nor can the arguments of record, which are directed specifically to the substance and full article of at least one of these references (Boratynski). Until such time as these remaining 5 references are submitted, the arguments and amendments cannot be substantively examined.

As stated in the previous action:

Information Disclosure Statement

The information disclosure statement filed 05/12/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. [Other than the application of those references relied upon by the International Authority over the same claims 1-6, and also cited in the IDS, 2 of these 3 references (abstracts) have been independently retrieved by the Examiner].

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Appropriate correction is required.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maury Audet whose telephone number is 571-272-0960. The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA, 2/2/2008

MAURY AUDET
PATENT EXAMINER